

BOARD OF CODE STANDARDS AND APPEALS MINUTES

February 4, 2008

Members: Francisco Banuelos, Randy Coonrod, Randy Harder, Richard Hartwell, Bernie Hentzen, Ed Murabito, Warren Willenberg, John Youle

Present: Banuelos, Coonrod, Harder, Hentzen, Murabito, Willenberg, Youle

Staff Members Present: Kurt Schroeder, Deb Legge, Penny Bohannon, Sharon Dickgrafe, Elaine Hammons

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Murabito on Monday, February 4, 2008, at 1:33 p.m. in the Metropolitan Area Planning Department Planning Commission Room, 10th floor, City Hall, 455 N. Main, Wichita, Kansas.

1. Approval of the Minutes of the January 7, 2008, meeting.

A motion was made by Board Member Banuelos to approve the January minutes as submitted. Board Member Willenberg seconded the motion. The motion was unanimously approved. (Board Member Youle was not present during this vote.)

2. Approval of 2007 Annual Report from the Board of Code Standards and Appeals to the City Council.

Board Member Coonrod made a motion to approve the 2007 Annual Report as submitted. Board Member Willenberg seconded the motion. The motion was approved. (Board Member Youle was not present during this vote.)

Chairman Murabito asked that the Board Members and City Staff introduce themselves to the public in attendance.

3. Condemnation Hearings

Review Cases:

1. 1412 South Waco

Kent Lewis, owner of the property, was present.

Mr. Lewis distributed photos of the most recent repairs to the property.

The front structure is almost complete, and the rear structure has been reroofed and resided. Ms. Legge reported that the staff recommendation was to return the property to regular code enforcement.

Board Member Coonrod made a motion to return the property to regular code enforcement. Board Member Hentzen seconded the motion. The motion carried without opposition.

2. 2409-11 East Murdock

There was no one present as a representative of this property.

The current condition of the property shows little change since it was last brought before the Board. Some of the windows in the front structure have been replaced; the roofing and siding have been replaced on the front structure; the roof of the garage has also been repaired. The premises have been cleared of trash and debris. The staff recommendation for this property is that it be returned to regular code enforcement. Ms. Legge explained that the property condition is such that it would be inappropriate to tear it down; however, the area inspector could pursue the matter through the court if the owner does not complete the repairs.

Board Member Banuelos made a motion to return the property to regular code enforcement. Board Member Hentzen seconded the motion. The motion was unanimously approved.

3. 1047 North Estelle

Luis Lopez, the owner of the property, was present.

Ms. Legge informed the Board that the repairs are almost complete. At the last site inspection, the only violation noted was some tree waste and construction waste still on the premise. Staff recommendation was that the property be removed from the condemnation list and be returned to regular code enforcement.

Board Member Coonrod made a motion to return the property to regular code enforcement. Board Member Banuelos seconded the motion. The motion carried.

New Cases:

1. 620 North Cleveland

There was no representative in attendance for this property.

This is a one- and one-half story frame dwelling about 41 X 22 feet in size. Vacant for at least ten years, it has a cracking and shifting foundation; rotted and missing hard board siding; sagging and badly worn composition roof with holes and missing shingles.

Board Member Coonrod made a motion to refer the property to the City Council with a recommendation of demolition with ten days to begin demolition and ten days to complete the demolition. Board Member Willenberg seconded the motion. The motion passed.

2. 945 N. Wabash

There was no one present on behalf of this property.

A one-story frame dwelling, this structure is approximately 50 X 24 feet in size; this structure has been vacant for about six years. The basement walls are cracked, and the siding is cracking and deteriorated.

Board Member Hentzen made a motion to refer the property to the City Council for condemnation with ten days to begin razing the building and ten days to complete the demolition. Board Member Coonrod seconded the motion. The motion carried without opposition.

3. 1806 East 12th North

No one attended the hearing as a representative for this property.

Vacant and open, this one-story frame dwelling is approximately 22 X 26 feet in size. There is rotted and missing wood lap siding; the composition roof is deteriorated.

Board Member Banuelos made a motion to send the property before the City Council with a recommendation of demolition with ten days to begin the wrecking of the building and ten days to complete the wrecking. Board Member Youle seconded the motion. The motion was approved.

4. 1344 North Spruce

Samuel Roberts, the owner of the property, was present at the hearing.

This is a one-story frame dwelling, 25 X 40 in size. Vacant for at least ten years, it has a cracking foundation; rotted and missing wood lap siding; sagging and badly worn composition roof with missing shingles; rotted and missing wood trim; and rotted framing members. The case on this property has been active since 1993. Numerous notices and violation notices have been issued. The taxes are current; there are no special assessments levied against the property.

There are bulky waste, tree debris, and furniture on the premises. No repairs have been made to the structure; however, the structure is secure.

Addressing the Board, Mr. Roberts explained that he intended to wreck the rear addition and repair the damage to the foundation of the structure. He also plans to repair the roof. The house has been used for storage since previous fire damage prevented him from renting out the house. Mr. Roberts told the Board that he had been under the impression that he had met the requirements for compliance; however, he was not aware at the time that he was required to notify Central Inspection to verify that repairs had been made to the building. He also advised the Board that the trash and debris had been removed from the site, and that he had been hauling trash from the property about once a month due to illegal dumping.

Mr. Roberts said that he had contacted Michael Hollimon of Neighborhood Improvement Services and was told that NIS would be unable to provide anything more than paint in the way of financial assistance. The program supplying the paint will not be available until after April 1, 2008. Mr. Roberts has made inquiries of a general contractor and an electrical contractor to possibly contract to do the repairs on the dwelling. He was uncertain how long it might take to get the work underway, but asked if he could be allowed six months to make the repairs.

Board Member Banuelos made a motion to allow three months to begin the repairs and then report back to the Board on the progress. Board Member Coonrod seconded the motion, adding that the property should remain clean and secure in the interim. The motion was approved.

5. 1701 North Grove

There was no representative in attendance on behalf of this property.

Approximately 26 X 40 feet in size, this one-story frame dwelling has been vacant for at least one year. The basement walls are shifting and collapsing; there is missing and broken siding; the composition roof is sagging; the front porch is dilapidated; the rear porch is collapsing; the 8 X 14 foot accessory structure is collapsing. The active file on this property was initiated in March 2007.

Board Member Harder made a motion to recommend the property to the City Council for demolition with ten days to begin the removal of the structure(s) and ten days to complete the wrecking. Board Member Willenberg seconded the motion. The motion was approved.

6. 2701 East Mossman

There was no representative for this property attending the hearing.

A one-story frame dwelling, 38 X 34 feet in size, is vacant and open. This structure has a cracking and shifting concrete foundation; there is rotted and missing siding.

Board Member Coonrod made a motion to refer the property to City Council with a recommendation of demolition; ten days to begin wrecking the structure, and ten days to complete the removal. Board Member Harder seconded the motion. The motion was passed unanimously.

7. 2606 East 15th North

There was no one present to represent this property.

This structure is approximately 26 X 43 feet in size. A two-story frame dwelling, it has been vacant for at least one year. The concrete block foundation is shifting and cracking; there is missing and rotted siding; the composition roof is deteriorated and has missing shingles.

Board Member Harder made a motion to send the property before the City Council with a recommendation of demolition, with ten days to begin removal of the structure and ten days to complete the demolition. Board Member Willenberg seconded the motion. The motion carried.

8. 1615 North Oliver

No one was present to represent this property.

Forty-one by twenty-nine feet in size, this one-story frame dwelling has been vacant for at least two years. The brick foundation is cracking; the south brick wall is shifting; the roof is fire-damaged and there are fire-damaged framing members.

Board Member Coonrod made a motion to refer the property to the City Council for condemnation, with ten days to start demolition and ten days to complete the razing of the structure. Board Member Youle seconded the motion. The motion was approved unanimously by the Board.

9. 2601 North Spruce

There was no representative for this property at the hearing.

A one-story frame dwelling, this structure is about 34 X 38 feet in size. Vacant for at least six months, the structure has a cracking foundation; missing and fire-damaged siding; fire-damaged roof with missing shingles; the front porch is deteriorated.

Board Member Harder made a motion to refer the property to the City Council, recommending condemnation, with ten days to initiate the removal of the structure and ten days to finish the demolition. The motion passed without opposition.

10. 158 North Poplar

No representative for this property was in attendance at the hearing.

A one-story frame dwelling, this building is approximately 48 X 26 feet in size. This structure has been vacant for at least eight years. The foundation is shifting and cracking; there is decayed siding; the composition roof is sagging and has holes.

Board Member Harder made a motion to send the property before the City Council with a recommendation of demolition, with ten days to start demolition and ten days to complete the demolition. Board Member Willenberg seconded the motion. The motion carried.

11. 1735 South Main

No representative appeared on behalf of this property.

This one-story frame dwelling is 24 X 34 feet in size, and has been vacant for approximately three months. The structure has fire-damaged siding; smoke-damaged roof with missing shingles; the front porch is smoke-damaged; the rear porch is deteriorated; there are fire-damaged wood trim and framing members; and the 18 X 21 accessory structure has fire-damaged shingles and siding.

Board Member Youle made a motion to submit the property to the City Council with a recommendation of demolition, with ten days to begin the wrecking and ten days to complete the removal of the structure. Board Member Harder seconded the motion. The motion was approved by the Board.

12. 711 East Harry (commercial)

There was no one in attendance appearing on behalf of this property.

This is a one- and one-half story concrete block commercial structure. Vacant and previously open, it is now secure. The roof is dilapidated, and there is extensive fire damage to the building. There is some tree growth on the east and west sides of the premises. The taxes are current and there are no cost assessments against the property.

Board Member Harder made a motion to submit the property to the City Council for demolition, with ten days to begin razing the structure and ten days to finish the demolition. Board Member Willenberg seconded the motion. The motion was unanimously approved.

13. 1334 South Bluffview

This property was represented by a letter from Janice Jorns, attorney for the estate of the deceased owners, Ella and Gene Tregellas.

The estate had been in litigation and it was only recently that the matter has been resolved. Mr. Roger Hatfield has been appointed as the executor of the estate. Mr. Hatfield is currently trying to negotiate the sale or transfer of the property to an interested organization. In the meantime, Mr. Hatfield requested that the Board grant an extension of at least six weeks in order that he might pursue the possibility of selling the property.

Board Member Willenberg made a motion to present the property to the City Council with a recommendation of demolition, with ten days to begin the wrecking and ten days to complete the demolition. Board Member Harder seconded the motion. The motion was approved.

14. 411 West University

This property was represented by Hope Dubetsky, heir to the estate of the deceased owner.

This is a one-story frame dwelling approximately 28 X 42 feet in size; it is vacant and open. The structure has a cracked and bowed foundation; rotted and missing wood siding; deteriorated wood trim and framing members; and the 12 X 16 foot accessory structure is deteriorated.

There has been an active case on this property since August of 2001. Numerous Notices of Improvement and Violation Notices have been issued. Central Inspection staff has completed an emergency board-up of the property. The 2003, 2004, 2005, 2006 and 2007 taxes are delinquent in the amount of \$2,217.82; there is a 2008 special assessment pending for lot clean up and board-up in the amount of \$1,746.81; there is also a special assessment in the amount of \$234.45.

The site is currently clean; the premise condition good. There have been no repairs made.

Ms. Dubetsky told the Board that the property had been left to her by her late husband, who died in July of 2007. She has contacted the Sedgwick County Appraiser's Office and made arrangements to pay the back taxes for 2003, 2004, 2005, 2006, and 2007. The special assessments, she was told, could be paid on the 2008 taxes. Currently, the property is still in probate and she is unable to make any repairs to the structure until the probate court releases the property to her. Once she obtains the deed, she said she intended to get a loan and make the required repairs and then put the house up for sale.

Board Member Coonrod suggested that Ms. Dubetsky put an assessment together of the financial requirements for bringing the site into code compliance, including the taxes, to be certain that the property is worth the monies she will have to invest in it.

Board Member Coonrod made a motion that the Board allow thirty days to formulate a plan for the repairs and report back to the Board. Board Member Youle seconded the motion. The motion carried.

15. 839 W. 55th South

There was no representative present at the hearing.

This is a one-story frame dwelling about 33 X 31 feet in size. Vacant for at least eight months, this structure has rotted and missing hard board siding; the composition roof is badly worn and has holes and missing shingles.

Board Member Youle made a motion to refer the property to the City Council with a recommendation of demolition, with ten days to initiate the razing of the structure and ten days to finish the demolition. Board Member Harder seconded the motion. The motion was approved.

Unfit for Habitation case:

1623 N. Arkansas

The owner of this property, Mack T. Watson, was unable to attend the hearing due to illness. His son contacted Ms. Legge by phone.

Since the owner/occupant of the property was unable to attend the hearing, Ms. Legge requested that the Board decide whether to defer the case until the next regularly scheduling meeting. Board Member Harder made a motion that the Board hear the case at the February 4th hearing as submitted. Board Member Willenberg seconded the motion. The motion was approved.

The active case was initiated on this property in September 1999. The Wichita Police Department and the Environmental Services Department have also been involved in this case. There has been alleged drug activity going on at this property. Numerous notices have been sent to the property owner, some resulting in court appearances; however, no work has been done on the premises. The owner is elderly and has his son living with him. A utility trailer and an RV are located in the rear yard, and had been used for habitation at some point. Recently, there has been a fire inside the structure. Central Inspection is unable to ascertain whether anyone lives in structure at this time.

The 2005, 2006, 2007 taxes are delinquent in the amount of \$1,880.25. There are no special assessments against the property at this time. There are salvage materials, junk, and debris on the premises. The roof is badly worn; there is rotted wood trim; the water heater is improperly vented; there is exposed and defective electrical wiring; there are unsafe propane and kerosene heating appliances; there are water damaged ceilings and walls. There is an open sewer and inadequate plumbing; the living conditions are unsanitary; the accessory garage is dilapidated and has fire damage. In addition to the junk, debris and salvage materials, there are also inoperable vehicles on the premise.

Board Member Coonrod made a motion to declare the property unfit for habitation, and to order the property vacated within sixty days. Board Member Hentzen seconded the motion. The motion passed.

Overview of Title 18 code changes to appeals process for BCSA actions

Mr. Kurt Schroeder presented a brief explanation of the proposed amendment to Title 18. The changes would incorporate the appeal procedure for any order or determination of the Board of Code

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Standards and Appeals regarding licensing. Mr. Schroeder told the Board that the decision to add the amendment to Title 18 was due to some licensure actions recently taken by the Board.

Ms. Sharon Dickgrafe added that the amendment would also clarify the time frame allowed for making appeals of the Board's decisions, as well as the procedure for submitting an appeal.

Board Member Youle made a motion to recommend approval of the adoption of the proposed amendment to Title 18. Board Member Hentzen seconded the motion. The motion carried.

With no other business to conduct, Board Member Youle made a motion to adjourn the meeting. Board Member Hentzen seconded the motion. The motion passed.

The meeting adjourned at 2:10 p.m.